

## **APPENDIX I: PARKS AND RECREATIONAL RESOURCE *DE* *MINIMIS* CONCURRENCE**





U.S. Department  
of Transportation  
**Federal Highway  
Administration**

**Central Federal Lands Highway Division**

May 30, 2018

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In Reply Refer To:  
HFPM-16

Cicely Muldoon  
1 Bear Valley Road  
Point Reyes National Seashore  
Point Reyes, CA 94956

Subject: Section 4(f) *De Minimis* Impact Finding Concurrence for Sir Francis Drake Boulevard Improvement Project CA FLAP CR109[1].

Dear Ms. Muldoon:

This letter is a request for review and concurrence on a finding of a Section 4(f) *de minimis* impact to the Point Reyes National Seashore (PRNS) as a result of the Sir Francis Drake Boulevard Improvement Project. The Federal Highway Administration, Central Federal Lands Highway Division (FHWA-CFLHD), in cooperation with Marin County and the National Park Service (NPS), is proposing improvements to Sir Francis Drake Boulevard (SFDB) in the PRNS. The project includes improvements to approximately 12 miles of SFDB. The project begins at the intersection with Pierce Point Road and continues south and west to the intersection with Chimney Rock Road. These repairs will result in a Section 4(f) use of the PRNS.

Since concurrence on the *de minimis* finding was received from NPS in 2015, FHWA-CFLHD has modified the project to further improve conditions along SFDB and to provide detail to the mitigation approach to compensate for impacts related to the roadway project. Changes to the project include: (1) installing a bridge at Schooner Creek; (2) installing biotechnical bank stabilization along a portion of East Schooner Creek; (3) re-establishing a wetland at Drakes Beach and reconfiguring the parking lot; and (4) constructing two ponds on Home Ranch to provide aquatic breeding habitat for California red-legged frog.

***Section 4(f)***

Section 4(f) of the U.S. Department of Transportation Act of 1966 requires consideration of impacts to parks, recreational lands, wildlife and waterfowl refuges and historic sites in transportation project development. Under Section 4(f) of the U.S. Department of Transportation Act of 1966, the PRNS is considered a Section 4(f) resource. Before approving a project that “uses” Section 4(f) property, CFLHD must either (1) determine that the impacts are *de minimis*, or (2) undertake a Section 4(f) Evaluation.

For publicly owned public parks, recreation areas, and wildlife and waterfowl refuges, a *de minimis* impact is one that will not adversely affect the activities, features, or attributes of the property. A *de minimis* impact determination does not require a full Section 4(f) evaluation, but

avoidance, minimization, mitigation or enhancement measures are considered. The *de minimis* finding is subject to public review and written concurrence from the PRNS prior to FHWA-CFLHD making a final *de minimis* impact determination.

***Proposed Improvements to SFDB and De Minimis Impacts to PRNS***

With regard to PRNS as a whole, the project would result in minor modifications to the existing Marin County roadway easement and temporary construction easements at specific locations along SFDB (see attached figure). As described in the Finding of No Significant Impact/Mitigated Negative Declaration (FONSI/MND) issued in 2015, modifications to the existing easement, both permanent and temporary, would be required at approximately PM 0.8 to PM 1.2, PM 1.8 to PM 2.1, PM 3.2, PM 4.0 to PM 4.1, and PM 9.2 to PM 9.8. With the design changes to the proposed project, the proposed easement modifications largely remain unchanged with the following exceptions:

- Permanent easement modifications between PM 0.8 to PM 1.2 would be extended to approximately PM 1.3
- Permanent easement modifications between PM 9.1 to PM 9.8 would be extended to PM 9.9
- Permanent easement modifications would be required at PM 11.0 to PM 11.2, PM 11.7, and PM 11.8

All of the easement modifications are within functioning ranch leases and portions of the roadway that are fenced to restrict public access to ranches. With the exception of the areas between PM 9.1 to PM 11.8, these areas are generally within or near actively grazed lands, or are characterized by drier coastal grassland and open scrub vegetation. The area around PM 9.1 generally consists of tidal mudflats associated with Schooner Creek. The remainder of the corridor (PM 9.3 to PM 12.0) is largely associated with East Schooner Creek and consists of dense scrub-shrub vegetation. Although located within PRNS, none of the lands proposed for permanent or temporary easement acquisition contain designated recreational sites or associated recreational structures, such as scenic overlooks or shuttle bus stops.

Permanent modification of the existing easement would total approximately 1.0 acres of land that would be newly incorporated into the Marin County easement. Modifications are required in areas of localized improvements that include small alignment shifts to soften curves and/or improve sight distance, replace the Schooner Creek twin culverts, and shift the roadway away from the East Schooner Creek channel. As originally proposed, these easement modifications would result in no net increase of the County easement, which would remain a 60-foot-wide corridor, and areas beyond the 60-foot easement would be abandoned by the County. However, since adoption of the FONSI/MND, an additional 0.2 acres have been identified for permanent easement acquisition. These areas would result in the permanent incorporation of a minor amount (totaling less than 0.001 percent of PRNS) into a transportation facility. The purpose of this easement acquisition is for long-term maintenance of select culverts and to accommodate shifts in the roadway alignment.

In addition, small, temporary construction easements totaling approximately 1.0 acre would be required at all of the aforementioned locations, as well as at additional minor culvert replacement locations along the corridor, to facilitate grading of the roadway, culvert replacement, and allow for incidental impacts from foot traffic and equipment during construction. These easements would remain for the duration of construction to allow reclamation and revegetation of temporarily disturbed areas.

#### ***Wetland Mitigation at Drakes Beach Parking Lot***

At Drakes Beach, the parking lot would be reconfigured from 399 spaces to 314 spaces to accommodate the restoration of approximately 2 acres of wetland. During peak whale watching season, which typically occurs five to six weekends per year, any overflow would be directed to South Beach parking lot. The picnic and grill areas (five sites) located between Drakes Marsh and the existing parking lot would be relocated closer to the visitor center. In addition, approximately 290 feet of asphalt footpath associated with the Peter Behr Overlook Trail (located between the existing parking lot and Drakes Beach) would be removed to create a more natural dune interface. The path to the trailhead may be delineated with pin and pole fencing. Access to the overlook would only be interrupted during construction.

During construction, access to the parking lot and associated recreational facilities would be temporarily restricted. With regard to the visitor center, this is not expected to disrupt the overall access or operation of the facility, since it is currently only open on weekends and federal holidays during the winter bus shuttle season (December 30 to late March or early April). Outside of whale watching season, the visitor center is closed seven days a week. Construction at Drakes Beach parking lot will not occur during seasonal Drakes Beach closures (typically January–March) and, therefore, impacts to visitor center use during whale watching season is not expected. In addition, access to the Sir Francis Drake Memorial Cross, located adjacent to the north end of the parking lot, would only be restricted during construction at the parking lot.

None of these recreational resources would be permanently incorporated into a transportation facility. The intent of the wetland mitigation at this location is to restore part of a former wetland, and to create a more natural wetland-dune interface. These improvements are expected to benefit the park resources at this location. Temporary restrictions during construction will not adversely affect these recreational resources due to the timing of construction, notice to the public, and redirecting to South Beach parking lot when necessary.

#### ***California Red-legged Frog Mitigation Sites***

The equipment access route to Home Ranch Pond 2 would cross both the Estero and Drakes Head Trails. Construction impacts would consist of equipment driving over the existing two-track trails. Recreational use of the trails would not be restricted during construction and no permanent easements on the trails are proposed. In addition, no physical construction of the Home Ranch Pond 2 would occur on either of the trails. Temporary easements may be required for the duration of pond construction at both Home Ranch Ponds 2 and 9, but would be relinquished after construction is completed.

### **Summary**

The permanent easement modifications and temporary easements resulting from changes in project scope would be minor and would not adversely affect the activities, features, or attributes of PRNS. PRNS and its associated recreational activities, including its scenic landscape, would continue to function during construction and throughout the life of the roadway, the California red-legged frog ponds and the wetland mitigation site. Therefore, FHWA-CFLHD anticipates making a finding of *de minimis* impact. The *de minimis* finding is subject to public review and, following this review, FHWA-CFLHD will make a final impact determination. In addition, written concurrence from the NPS regarding the *de minimis* impact finding will be obtained prior to issuance of the NEPA and CEQA decision documents.

The permanent easement modifications and temporary easements would be minor and would not adversely affect the activities, features, or attributes of PRNS. PRNS and its associated recreational activities, including its scenic landscape, would continue to function during construction and throughout the life of the roadway. Therefore, FHWA-CFLHD anticipates a finding of *de minimis* impact.

### **Minimization Measures**

The following measures have been incorporated into project design to reduce potential impacts to the PRNS:

- At least one lane of traffic shall remain open during construction with a maximum 30-minute delay. If any delay longer than 30 minutes is anticipated to accomplish specific construction activities, then notice shall be provided to the public, relevant local agencies, school districts, and emergency service providers.
- All construction shall occur on weekdays during daylight hours (1/2 hour after sunrise to 1/2 hour before sunset).
- Access to ranches and designated recreational sites shall be maintained throughout construction.
- Alignment of corrals to barns, pastures, and other features of the ranch complexes will be maintained.
- If fences within the existing SFDB easement need to be removed to accommodate construction, they shall be replaced in-kind at the edge of the road right-of-way. If distinctive fencing materials, such as wood rail fencing, are affected during construction, they shall be replaced in-kind and positioned to maintain the alignment of ranch cattle and human circulation patterns.
- The Historic E Ranch corral, Historic A Ranch main house, Historic B Ranch main house, and Historic B Ranch hay barn shall be protected from inadvertent damage by placement of fencing or concrete barriers.
- The contractor shall avoid disturbing trees and their roots within the Historic B Ranch windbreak.

- No construction staging shall occur at Historic E Ranch corral, Historic B Ranch windbreak, Historic A Ranch main house, Historic B Ranch main house, or Historic B Ranch hay barn.
- Project design will avoid the historic-era water trough on Home Ranch.
- The area beyond the construction limits shall not be disturbed. Abandoned segments of roadway and temporary impact areas along SFDB within the project limits that would no longer be in use shall be reclaimed and revegetated. Degraded areas impacted from construction-related activity shall be replanted or reseeded with native plants from the watershed or nearby watershed under guidance from PRNS biologists. Shrubs, trees, and herbaceous perennials and annuals shall be seeded and planted along riparian corridors where impacts and vegetation removal occur. Riparian vegetation shall be replanted with shrubs or live-stakes along the banks of East Schooner Creek. FHWA-CFLHD shall prepare a restoration plan for the project in consultation with PRNS for appropriate seed mixes and plants. Revegetated areas shall be protected and cared for, including watering when needed, until restoration criteria have been met under U.S. Army Corps of Engineers permits, the U.S. Fish and Wildlife Service Biological Opinion, and/or National Pollutant Discharge Elimination System standards. Revegetated areas shall be monitored in accordance with the approved restoration plan to ensure success criteria are met.
- Construction at Drakes Beach parking lot will not occur during seasonal beach closures (typically January–March) along Drakes Beach as established yearly by the NPS. The Contracting Officer's Engineer will coordinate with NPS and notify the contractor when construction may begin.

### **Public Involvement**

Public review and comment on the *de minimis* finding will be solicited through public review of the Supplemental Environmental Assessment/Subsequent Initial Study (SEA/SIS). Copies of the SEA/SIS and related technical studies will be made available for review at the Point Reyes Public Library (11435 CA-1, Point Reyes Station, CA) and Civic Center Library (3501 Civic Center Drive, Room 427, San Rafael, CA), through the National Park Service Planning, Environment, and Public Comment (PEPC) website:

<http://parkplanning.nps.gov/projectHome.cfm?projectID=53489>.

### ***De Minimis* Impact Finding**

Written concurrence that this project will not adversely affect the activities, features, and attributes of the park property is needed to make the Section 4(f) *de minimis* finding and fulfill the requirements of 23 USC 138(b), 49 USC 303(d), and 23 CFR 774.7(f). To acknowledge that you have been notified of the Section 4(f) *de minimis* finding, and your agreement that the activities, features, and attributes of the PRNS will not be adversely affected, please sign below and return the signed copy to me at the address on the first page. Your prompt response is appreciated.

If you have questions please contact me at 720.963.3668 or at my email address: [Nathan.Allen@dot.gov](mailto:Nathan.Allen@dot.gov), or Timberley Belish, FHWA-CFLHD Environmental Specialist, at 720.963.3683 or at [Timberley.Belish@dot.gov](mailto:Timberley.Belish@dot.gov).

Sincerely,



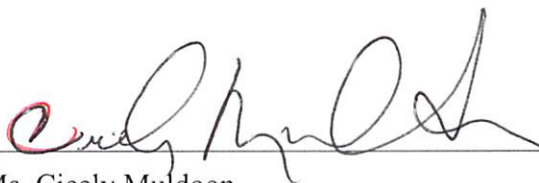
Nathan Allen  
FHWA-CFLHD Project Manager

Enclosures

Figure 1 – Approximate Permanent Easement Modifications

Cc: Timberley Belish, FHWA-CFLHD Environment Specialist

As the official with jurisdiction over the Point Reyes National Seashore, I concur with the recommendation of FHWA-CFLHD that the use and impacts associated with the Sir Francis Drake Boulevard Improvement Project along with the identified minimization measures, will not adversely affect the activities, features, and attributes that qualify the property for protection under section 4(f).



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Ms. Cicely Muldoon  
Superintendent  
Point Reyes National Seashore

8/14/18

Date

Figure 1: Approximate Permanent Easement Modifications

